

Attorney Docket: 030350
U.S. Application No.: 10/720,780 Examiner: Antonienko Art Unit: 4194
Response to March 10, 2008 Office Action

REMARKS

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In response to the Office Action dated March 10, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application.

Telephone Interview

Examiner Antonienko is thanked for the telephone interview of May 9, 2008. Scott Zimmerman explained the new features of the independent claims and distinguished these features from the cited documents. Examiner Antonienko and her SPE would only say to submit the response and another search will be performed. No agreement was reached.

Objections to Claims

The Office objected to the numbering of the claims. The claims have been numbered in the format preferred by the Examiner.

Amendments to the Specification

The Office objected to the Title. The Title has been amended to "Methods, Systems, and Products for Auctioning of Communications Services."

The Office also objected to missing serial numbers in the "Cross-Reference to Related Applications" section. These paragraphs have been amended to include the serial numbers assigned since filing.

Rejection of Claim 1 under § 103 (a)

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The Office rejected claim 1 under 35 U.S.C. § 103 (a) as allegedly being obvious over U.S. Patent Application Publication 2002/0146102 to Lang in view of U.S. Patent Application Publication 2003/0055723 to English.

Claim 1, however, cannot be obvious over *Lang* with *English*. Claim 1 recites features that are not disclosed or suggested by the combined teaching of *Lang* with *English*. Independent claim 1, for example, recites “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added). For the Examiner’s convenience, independent claim 1 is reproduced below.

1. A method of providing communications services, comprising:

conducting an online auction for the communications services, the online auction conducted via a distributed computing network;

causing display of a service provider rating in a user interface that indicates whether the service provider satisfactorily provided the communications services, the service provider rating presented during a subsequent online auction to indicate that a future communications service will be satisfactorily provided by the service provider; and

causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services.

Lang with *English* cannot obviate at least these features. *Lang* discloses competitive bidding for telecommunications services. See U.S. Patent Application Publication 2002/0146102 to Lang at [0009], [0016], and [0017]. *Lang* also monitors service providers to ensure they perform. See *id.* at [0020]. *English* allows paying customers to rate vendors and their level of satisfaction. See U.S. Patent Application Publication 2003/0055723 to English at [0009]. An example of alternative long distance providers is given. See *id.* Still, though, the combined teaching of *Lang* with *English* fails to teach or suggest “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates

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whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added).

The Assignee must, very respectfully, disagree with the Office’s allegation. The Office alleges that *Lang* teaches the claimed “recipient rating ... in which the service provider indicates whether [the] recipient ... paid for communications services,” and the Office cites to paragraphs [0021] and [0061] of *Lang*. While these paragraphs admittedly discuss billing, these paragraphs make no disclosure or suggestion of ratings provided by service providers indicating whether the recipient paid for the services. Paragraph [0021], for example, discusses generation of billing records, while paragraph [0061] discusses billing arrangements to collect payment. Mere discussion of billing relationships and collection of payments, however, does not obviate “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added).

Claim 1, then, is not obvious over *Lang* and *English*. As both *Lang* and *English* are silent to at least a “recipient rating,” one of ordinary skill in the art would not think that independent claim 1 is obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of claim 1.

Rejection of Claims 2-5, 8-9, 17 & 20 under § 103 (a)

The Office rejected claims 2-5, 8-9, 17, and 20 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* in view of U.S. Patent 5,970,121 to Homayoun.

Claims 2-5, 8-9, 17, and 20, however, cannot be obvious over *Lang* with *Homayoun*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Lang* with *Homayoun*. Independent claim 2, for example, recites “providing a recipient rating in which a service provider indicates whether the recipient of the communications services satisfactorily paid for the communications services” (emphasis added).

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For the Examiner's convenience, independent claim 2 is reproduced below, and independent claims 8 and 20 recite similar features.

2. A method of providing communications services, comprising:

bidding via an online auction to provide the communications services;
providing the communications services;
receiving a service provider rating from a recipient of the communications services indicating whether the communications services were satisfactorily provided;
and
providing a recipient rating in which a service provider indicates whether the recipient of the communications services satisfactorily paid for the communications services.

Lang with *Homayoun* does not obviate all these features. As the above paragraphs already explained, *Lang* fails to teach or suggest “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added). The patent to *Homayoun* does not cure these deficiencies. *Homayoun* discloses real-time feedback during calls. Still, though, *Lang* with *Homayoun* fails to teach or suggest ratings provided by service providers indicating whether the recipient paid for the services. *Lang* with *Homayoun*, then, cannot obviate independent claims 2, 8, and 20.

Claims 2-5, 8-9, 17, and 20, then, are not obvious over *Lang* with *Homayoun*. Independent claims 2, 8, and 20 recite many features that are not taught or suggested by *Lang* with *Homayoun*. The respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that claims 2-5, 8-9, 17, and 20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 6 & 18 under § 103 (a)

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The Office rejected claims 6 and 18 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* in view of *Homayoun* and *English*. Claims 6 and 18, however, depend respectively from independent claims 2 and 8 and, thus, incorporate the same distinguishing features. As the above paragraphs already explained, *Lang*, *Homayoun*, and *English* are all silent to “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added). Because claims 6 and 18 incorporate these features, one of ordinary skill in the art would not think that these claims are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims 7 & 19 under § 103 (a)

The Office rejected claims 7 and 19 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* in view of *Homayoun* and further in view of U.S. Patent Application Publication 2002/0112060 to Kato. Claims 7 and 19, however, depend respectively from independent claims 2 and 8 and, thus, incorporate the same distinguishing features. As the above paragraphs already explained, *Lang* with *Homayoun* is silent to the features of independent claims 2 and 8, and *Kato* does not cure these deficiencies. *Kato* discloses a “resident active packet signal receiving unit” that may restore a plurality of packets “back to one packet.” U.S. Patent Application Publication 2002/0112060 to Kato at [0224]. *Kato* also describes a “circulating active packet signal receiving unit” that restores a plurality of packets “back to one packet.” *Id.* at [0225]. *Kato* describes how a plurality of packets may be “incorporated into a single packet” and then “divided ... into a plurality of packets” for transmission. *Id.* at [0244]. *Kato* explains how a plurality of packets may be combined “so as to be a single packet for processing,” however, the single packet may be divided “into a plurality of packets” and sent. *Id.* at [0356]. Still, though, *Lang*, *Homayoun*, and *Kato* fail to teach or suggest “causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services” (emphasis added).

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Moreover, *Lang*, *Homayoun*, and *Kato* fail to teach the distinguishing features of claims 7 and 19. These claims recite features for subcontracting segments to a different service provider. Support for such features may be found at least at paragraphs [0025] through [0027] of United States Application No. 10/720,587 (Attorney Docket 030353), which is incorporated by reference. Subcontracting of processing services is also supported by paragraphs [0023] and [0024] of United States Application No. 10/720,941 (Attorney Docket 030006), which is also incorporated by reference. As *Lang*, *Homayoun*, and *Kato* all fail to teach or suggest subcontracting of segments, one of ordinary skill in the art would not think that these claims are obvious. The Office, then, is respectfully requested to remove the § 103 (a) rejection of claims 7 and 19.

Rejection of Claims 10-16 under § 103 (a)

The Office rejected claims 10-16 under 35 U.S.C. § 103 (a) as allegedly being obvious over *Lang* in view of *Homayoun* and further in view of U.S. Patent 6,535,592 to Snelgrove. Claims 10-16, however, depend from independent claim 8 and, thus, incorporate the same distinguishing features. As the above paragraphs already explained, *Lang* and *Homayoun* are silent to all the features of independent claim 8, and *Snelgrove* does not cure these deficiencies. *Snelgrove* allows entities to negotiate parameters for a communication and to define warranty parameters. Still, though, *Lang*, *Homayoun*, and *Snelgrove* fail to teach or suggest “*causing display of a recipient rating in the user interface during the subsequent online auction in which the service provider indicates whether a recipient of the communications services satisfactorily paid for the communications services*” (emphasis added). Because claims 10-16 incorporate these features, one of ordinary skill in the art would not think that these claims are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", with a large, stylized flourish at the end.

Scott P. Zimmerman
Attorney for the Assignee, Reg. No. 41,390